

Article - Criminal Procedure

[\[Previous\]](#)[\[Next\]](#)

§6–234.

(a) (1) In this section the following words have the meanings indicated.

(2) “Convicted of a disqualifying crime” has the meaning stated in § 5–101 of the Public Safety Article.

(3) “Disqualifying crime” has the meaning stated in § 5–101 of the Public Safety Article.

(4) “Domestically related crime” has the meaning stated in § 6–233 of this subtitle.

(5) “Federally licensed firearm dealer” means a person who holds a federal firearms license issued under 18 U.S.C. § 9–232(a).

(6) “Law enforcement agency” has the meaning stated in § 3–201 of the Public Safety Article.

(7) “Law enforcement official” has the meaning stated in § 4–201 of the Criminal Law Article.

(8) “Regulated firearm” has the meaning stated in § 5–101 of the Public Safety Article.

(9) “Rifle” has the meaning stated in § 4–201 of the Criminal Law Article.

(10) “Shotgun” has the meaning stated in § 4–201 of the Criminal Law Article.

(b) (1) When a defendant has been charged with a disqualifying crime and the underlying facts of that crime would support a finding by the court under § 6–233 of this subtitle that the crime is a domestically related crime, the State’s Attorney shall serve written notice on the defendant, the defendant’s counsel, and the court that:

(i) the defendant has been charged with a disqualifying crime;
and

(ii) under State law, it is illegal for a person who has been convicted of a disqualifying crime to possess or own a regulated firearm, a rifle, or a shotgun.

(2) The State's Attorney shall serve the notice required under paragraph (1) of this subsection prior to trial or the acceptance of a plea of guilty or the equivalent of a plea of guilty.

(c) When a defendant is convicted of or pleads guilty to a disqualifying crime that the court determines to be a domestically related crime, the court shall inform the defendant, both verbally and in a written notice to be signed by the defendant, that the defendant is:

(1) prohibited from possessing a regulated firearm under § 5–133 of the Public Safety Article;

(2) prohibited from possessing a rifle or shotgun under § 5–205 of the Public Safety Article; and

(3) ordered to transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant's possession in accordance with this section.

(d) The court shall order the defendant to transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant's possession in accordance with this section.

(e) (1) A transfer of a regulated firearm, rifle, or shotgun under this section shall be made within 2 business days after the conviction to a State or local law enforcement agency or to a federally licensed firearms dealer.

(2) A person ordered to surrender a regulated firearm, rifle, or shotgun under this section may designate a representative to transfer the firearm to a State or local law enforcement agency or to a federally licensed firearms dealer.

(3) A law enforcement agency or federally licensed firearms dealer accepting a transferred firearm under this section shall issue a written proof of transfer to the person transferring the firearm.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a written proof of transfer described in paragraph (3) of this subsection shall include:

1. the name of the person transferring the firearm;

2. the date the firearm was transferred; and
3. the serial number, make, and model of the firearm.

(ii) For a firearm manufactured before 1968, identifying marks may be substituted for the serial number required under this paragraph.

(f) On application by the State's Attorney or a law enforcement official based on probable cause to believe that the person has failed to surrender one or more regulated firearms, rifles, or shotguns, in accordance with this section, the court may authorize the execution of a search warrant for the removal of any regulated firearm, rifle, or shotgun at any location where the court has probable cause to believe a regulated firearm, rifle, or shotgun owned or possessed by the person is located.

(g) Law enforcement agencies may develop rules and procedures pertaining to the storage and disposal of firearms that are surrendered in accordance with this section.

[\[Previous\]](#)[\[Next\]](#)